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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/589,500 | 06/07/2000 | Yechiam Yemini | 18704-011 | 8506 |

7590 12/24/2003
Proskauer Rose LLP
1585 Broadway
New York, NY 10036

EXAMINER

LAFORGIA, CHRISTIAN A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2131

DATE MAILED: 12/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/589,500

Applicant(s)

YEMINI ET AL.

Examiner

Christian La Forgia

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5,6,7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 and 2 are presented for examination.

Drawings

2. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings.

Specification

3. The use of the trademark Kerberos and Java has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.
4. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,542,729 to Chmaytelli et al., hereinafter Chmaytelli.
7. As per claim 1, Chmaytelli teaches a method for monitoring accesses to a resource in an electronic system, wherein access to the resource is based on payments in electronic security value units, said method comprising the steps of:

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detecting patterns of payments for said resource in electronic security value units (Figure 2a [blocks 200, 202]; column 1, line 63 to column 2, line 6; column 5, lines 13-65); and,

comparing said patterns of payments to predetermined patterns of payment (Figures 2a [blocks 204, 206, 208], 3; column 5, line 66 to column 6, line 14; column 6, lines 21-38; column 6, lines 45-62). The resource taught in Chmaytelli would be the mobile phone accessing the mobile phone network. Based upon that information, the payments patterns are related to the cost of placing a call from your calling area, placing an international/long distance call, or based on the duration of the call. Mobile phones pay to use the mobile phone network based on where the call is made from, where it is going, and the duration of the call.

8. Regarding claim 2, Chmaytelli teaches the step of:

determining a difference in the compared patterns of payments to said predetermined patterns of payments (Figure 2a [block 210], 3 [block 304]; column 7, lines 40-47),

wherein when said difference is greater than a predetermined difference, an attack is indicated (Figure 2a [block 212], 3 [block 304, 306]; column 7, lines 48-65).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. The following patents are cited to further show the state of the art with respect to preventing unauthorized usage based on pattern recognition, such as:

United States Patent No. 6,163,604 to Baulier et al., which is cited to show a method to reduce fraud in transaction-based networks.

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United States Patent No. 5,627,886 to Bowman, which is cited to show a system for detecting fraudulent network usage.

United States Patent No. 6,157,917 to Barber, which is cited to show a method to preserve bandwidth of pay-per-access information on a network.

United States Patent No. 6,567,511 to Betts et al., which is cited to show a system for real-time fraud detection within a telecommunications system.

United States Patent No. 6,327,352 to Betts et al., which is cited to show a system for real-time fraud detection within a telecommunications system.

United States Patent No. 6,535,728 to Perfit et al., which is cited to show an event manager for use in fraud detection.

United States Patent No. 5,819,226 to Gopinathan et al., which is cited to show fraud detection using predictive modeling.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (703) 305-7704.

The examiner can normally be reached on Monday thru Thursday 7-5.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7240.

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Christian La Forgia
Patent Examiner
Art Unit 2131


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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